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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. CR 06 0326 SI
17 Plaintiff,) ORDER AND STIPULATION FOR
18 v.) CONTINUANCE FROM APRIL 13, 2007
19 CLIFFORD DURHAM,) THROUGH MAY 4, 2007 AND
20 Defendant.) EXCLUDING TIME FROM THE SPEEDY
21) TRIAL ACT CALCULATION (18 U.S.C. §
22) 3161(h)(8)(A))
23 _____

24 With the agreement of the parties, and with the consent of the defendant, the Court enters
25 this order continuing the status hearing until May 4, 2007 at 11:00 A.M. and documenting the
26 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from April 13, 2007 through
27 May 4, 2007. The parties agree, and the Court finds and holds, as follows:

28 1. This matter is currently set for a status hearing on April 13, 2007 at 11:00 a.m.
29 2. The parties are in the process of negotiating a disposition of this matter which would
1 obviate the need for trial. Defense counsel will be unable to discuss the government's latest
2 proposal with defendant before the status hearing due to the fact that defense counsel is in trial.
3 3. Accordingly, the parties request that the matter be continued until May 4, 2007, at
4 11:00 a.m., and request an exclusion of time under the Speedy Trial Act for the period from April
5 13, 2007 through May 4, 2007. The defendant agrees to an exclusion of time under the Speedy

1 Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective
2 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

3 4. After consideration of this matter, the Court finds that, taking into account the public
4 interest in the prompt disposition of criminal cases, the ends of justice served by excluding the
5 period from April 13, 2007 through May 4, 2007 outweigh the best interest of the public and the
6 defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7 5. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing
8 on May 4, 2007, at 11:00 A.M., and (2) orders that the period from April 13, 2007 through May
9 4, 2007 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A),
10 (h)(8)(B)(iv).

11 IT IS SO STIPULATED:

12 DATED: 4/10/07

13 /s/
14 ANTHONY BRASS
15 Attorney for Defendant

16 DATED: 4/9/07

17 /s/
18 MICHELLE MORGAN-KELLY
19 Assistant United States Attorney

20 IT IS SO ORDERED.

21 DATED: _____

22 
23 THE HONORABLE SUSAN ILLSTON
24 United States District Court Judge

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